GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - Commercial Tax Department - Case under the Prevention of Corruption Act, 1988 against Sri Tatina Venkata Nageswara Rao, S/o. Venkateswara Rao, formerly Dy. Commercial Tax Officer, O/o. CTO, Amalapuram Circle, Amalapuram, East Godavari Dist. - Trapped on 19.05.2010 - Prosecution sanction orders issued - Charge sheet filed in C.C.No.52/2018 - Judgment pronounced - A.O. acquitted by the Spl.Court for trial of SPE & ACB Cases, Rajamahendravaram - Further action dropped - Orders - Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.RT.No. 24 Dated: 20-01-2025

Read the following:-

1. From the DG, ACB, Lr.Rc.No.72/RCT-REG/2010 in final report dt.31.12.2010.
2. G.O.Ms.No.304, Revenue (Vig.I) Dept., dt.02.04.2011.
3. From the DG, ACB, Lr.Rc.No.72/RCT-REG/2010, dt.21.06.2011.
4. Govt.Memo.No.23684/Vig.I(1)/2010-5, dt.05.08.2013.
5. From the CCST, Procgs Ref.No.V2/650/2010, dt.17.08.2013.
6. From the CCST, Lr.No.V2/650/2010, dt.25.11.2023.
7. Judgment dt.22.06.2023 in C.C.No.52/2018 of the Spl.Court trial of SPE & ACB Cases, Rajamahendravaram.
8. Govt.Memo.No.1672571-CCST0CCST0CCTV(ACBC)/1/2022, dt.09.01.2024.
9. From the DG, ACB, Lr.Rc.No.72/RCT-REG/2010, dt.17.01.2024.

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ORDER:

The Director General, Anti-Corruption Bureau in the reference 1st read above has reported that Sri T.V.Nageswara Rao, Dy.CTO, Amalapuram, E.G. dist., was trapped by the ACB officials on 19.05.2010, when he demanded and accepted an amount of Rs.10,000/- as an illegal gratification other than legal remuneration from the complainant for showing an official favour by not imposing any tax and to returning the records taken from his shop and has recommended to prosecute the A.O., before the court of law besides initiation of departmental action for violation of A.P.Civil Services (Conduct) Rules, 1964 for non-submission of Annual Property Returns by following due procedure.

2. In the reference 2nd read above, Government have accorded sanction to prosecute the Accused Officer in a court of law under sections 7 & 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988.

(P.T.O)

3. In the reference 3rd read above, the Director General, Anti-Corruption Bureau has informed that a charge sheet was filed in the Court of Special Judge for SPE & ACB cases, Vijayawada on 30.05.2011 against Sri T.V.Nageswara Rao, Dy.CTO, Amalapuram, E.G.dist., and C.C.No.36/2011.

4. In the reference 5th read above, after following due procedure in Departmental action, the Commissioner of Commercial Taxes imposed a penalty of withholding of one annual grade increment with cumulative effect against Sri T.V.Nageswara Rao, the then Dy.CTO, Amalapuram, E.G.dist., for violation of A.P.Civil Services (Conduct) Rules, 1964 without prejudice to the prosecution case pending against him.

5. In the reference 6th read above, the Chief Commissioner of State Tax has forwarded the representation of the Charged Officer and stated that the ACB Court, Rajamahendravaram disposed the criminal case in C.C.No.52/2018, dt.22.06.2023 and found not guilty and acquitted from the charges and further requested to regularize the suspension period from 19.05.2010 to 27.06.2012 as on duty. In the reference 7th read above, the Court of the Spl Judge for Trail of SPE & ACB Cases, Rajamahendravaram disposed the criminal case in C.C.No.52/2018, dt.22.06.2023 and held that as follows:-

> ” In the result the Accused is found not guilty of the offence under Section 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 and accordingly he is acquitted for the said offences under Section 248 (1) Cr.P.C. The bail bonds of the Accused shall be in force for a period of six months. M.O5/ tainted amount of Rs. 10,000/- is confiscated to the State after appeal time is over. MOs 1 to 4, 6 and 7 shall be destroyed after appeal time is over.”

6. In the reference 8th read above, Government requested the Director General, Anti-Corruption Bureau to furnish his remarks on the representation of the Accused Officer with reference to the Judgement of the Anti-Corruption Bureau Court, Rajamahendravaram. In the reference 9th read above, the Director General, Anti-Corruption Bureau has submitted a report to the Government in the matter.

7. Government have observed that the trial court, after thorough examination of the evidence presented, held that the prosecution failed to establish the case against the accused beyond all reasonable doubt. The judgment emphasized the lack of direct evidence, inconsistencies in witness statements, and the failure to prove demand and acceptance of a bribe by the accused and also opined that chances of reaping benefits out of appeal are relatively lower in the case on hand and that there is no great chance of success in an appeal on the judgment dated

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22.06.2023 of the Court of the Spl.Judge for trial of SPE & ACB Cases, Rajamahendravaram in C.C.No.52/2018 in the Hon'ble High Court of A.P.

8. Government after careful examination of the matter, in view of the judgment dated 22.06.2023 of the Court of the Spl.Judge for trial of SPE & ACB Cases, Rajamahendravaram in C.C.No.52/2018, hereby drop further action against Sri Tatina Venkata Nageswara Rao, formerly Dy. Commercial Tax Officer, O/o. CTO, Amalapuram Circle, East Godavari District presently working as Assistant Commissioner (ST), Gudivada as the Court held that the Accused Officer has found not guilty of the offence under Section 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 and he is acquitted by the Court for the offences under Section 248 (1) Cr.P.C.

9. The Chief Commissioner of State Tax, A.P., Kunchanapalli, Guntur district is requested to take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PEEYUSH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Tatina Venkata Nageswara Rao, formerly DCTO, O/o. CTO, Amalapuram Circle, East Godavari dist., Presently Assist Commissioner (ST), Gudivada, through the Chief Commissioner of State Tax, A.P., Kunchanapalli, Guntur district.
The Chief Commissioner of State Tax, Andhra Pradesh, Kunchanapalli, Guntur district.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Secretariat, Velagapudi.
The Director General, Anti-Corruption Bureau, Pandit Nehru Bus Station, 2nd Floor, NTR district, A.P., Vijayawada.
Sf/Scs.

// FORWARDED:: BY ORDER //

SECTION OFFICER